

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Feb 12, 2015

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 1 to Agreement with LBYD, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with LBYD, Inc. for Engineering Design Services for Rideout Road-ALDOT Improvements, Project No. 65-14-SP32, by Modification No. 1

14-427

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is to design an additional 500 feet of roadway improvements to SR 255 (Rideout Road) for a total modification amount of \$19,400.00. New end date: March 26, 2015.
Account No. 05-6500-0813-1020

Associated Cost: \$19,400.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: 

Date: 1-23-15

15
pk
LH
1-22-15

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Engineering

Council Meeting Date: 2/12/2015

Department Contact: Lynn Majors

Phone # 256-427-5201

Contract or Agreement: Modification No. 1

Document Name: LBYP-Rideout Road-ALDOT Improvements Project No. 65-14-SP32

City Obligation Amount: \$19,400.00

Total Project Budget: \$80,480.00

Uncommitted Account Balance: 0

Account Number: 05-6500-0813-1020

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Lynn Majors</i>	1-23-15
2) Legal	<i>Wendy Clates</i>	1-29-15
3) Finance	<i>A. C. [unclear]</i>	1/30/15
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 15-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to enter into Modification No. 1 to the Agreement with LBYD, Inc., adopted and approved on the 12th day of June, 2014, by the City Council of the City of Huntsville, Alabama by Resolution No. 14-427, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from SIXTY-ONE THOUSAND EIGHTY AND NO/100 DOLLARS (\$61,080) to EIGHTY THOUSAND FOUR HUNDRED EIGHTY AND NO/100 DOLLARS (\$80,480.00), including this Modification No. 1, an increase of NINETEEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$19,400.00). New end date: March 26, 2015. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 1 to Agreement between City of Huntsville and LBYD, Inc. for Engineering Design Services for Rideout Road-ALDOT Improvements, Original Project No. 65-14-SP17 changed to Project No. 65-14-SP32, as adopted by Resolution No. 14-427 of June 12, 2014" consisting of a total of three (3) pages plus two (2) additional pages consisting of Attachment "A", and the date of February 12, 2015, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 12th day of February, 2015.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 12th day of February, 2015.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)
Modification No. 1 to Agreement between
the City of Huntsville and LBYD, Inc. for
Engineering Design Services for Rideout
Road-ALDOT Improvements, Origianl
Project No. 65-14-SP17 changed to Project
No. 65-14-SP32, as adopted by Resolution
No. 14-427 of June 12, 2014

THIS IS MODIFICATION NO. 1 TO AN AGREEMENT entered in on the 12th day of June, 2014, in the amount of SIXTY-ONE THOUSAND EIGHTY AND NO/100 DOLLARS (\$61,080.00). The original Agreement is hereby amended by Modification No. 1 dated February 12, 2015, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and LBYD, Inc., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated June 12, 2014, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to: design an additional 500 feet of roadway improvements to SR 255 (Rideout Road).

WHEREAS, the Owner desires that the contract drawings be altered to be consistent with Attachment "A" hereto.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. LBYD, Inc. will design an additional 500 feet of roadway improvements to SR 255 (Rideout Road) at a lump sum total amount of NINETEEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$19,400.00). New end date: March 26, 2015.
2. Item #1 shall be performed in accordance with the original agreement dated June 12, 2014, and approved by the City Council by Resolution No. 14-427, and as described in the letter from Tim Roberts to Chris McNeese, dated January 19, 2015, shown as Attachment "A".

President of the City Council of the City of
Huntsville, AL
Date: _____ February 12, 2015

3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2015.

Notary Public
My Commission Expires: _____

ENGINEER: LBYD, INC.

By: Timothy A. Roberts

ATTEST:

Lanexa S. Carter

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Timothy A. Roberts, as Project Manager, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 23rd day of January 2015.

Mary A. Hollingsworth
Notary Public
My Commission Expires: 3/28/15

ATTACHMENT "A"**Additional Services Authorization #1-R3**

Date

January 19, 2015

To

City of Huntsville
Urban Development Department
Engineering Division
P.O. Box 308
Huntsville, AL 35804-0308

Project No.

302-14-005

Project

Rideout Road
ALDOT Improvements



Attention

Mr. Chris McNeese

From

Tim Roberts

Transmitting Via: ☐ Facsimile ☒ Email ☐ U.S. Mail ☐ Delivery

The terms of our original agreement shall apply for Rideout Road ALDOT Improvements, City Project I.D Number 65-14-SP17:

Our scope of services is revised to include the following for Rideout Road ALDOT Improvements:

Sidewalk additions include:

- o Provide approximately 130 LF of demolition of existing sidewalk (based on Redstone Gateway Master Plan dated 10/24/14).
- o Provide approximately 730 LF of 8 foot wide concrete sidewalk adjacent to the existing railroad spur running east to Ascent Way.
- o Provide grading for the sidewalk addition which will require "filling in" a portion of the temporary sediment pond due to width restrictions (minimum distance from sidewalk and railroad is 15 feet).
- o Provide erosion control measures for the sidewalk addition.
- o Provide approximately 730 LF of chain link fencing to be located between the existing railroad and the proposed sidewalk.
- o Sidewalk sub-total: \$3,000

Lake F additions include:

- o Lake F leak investigation – Storm drainage system as-built exhibits, meetings, and review of findings.
- o Lake F sub-total: \$1,700

Rideout Road additions include:

- o Per the request of the Alabama Department of Transportation (ALDOT) - provide additional design information for the I-565 east bound off ramp which will include super elevation.
- o Provide additional survey for approximately 500 LF of the I-565 off ramp.
- o Provide additional cross sections for submittal to ALDOT for the I-565 off ramp super elevation.
- o Revise existing I-565 off ramp layout, grading, and cross sections.
- o Rideout Road sub-total: \$14,700

Please note that the sidewalk addition calls for the extension of the existing sidewalk located under the I-565 tunnel. The existing sidewalk has not been surveyed to date. Therefore, the design information (Redstone Gateway Package 1D) provided to the City will be used as the basis of the side walk design. A survey fee for the existing sidewalk can be provided to the City upon request.

Proposed Lump Sum Fees: **\$19,400**

City 1-25-15

LBYP, Inc. • 300 East Clinton Avenue, Suite 1 • Huntsville, Alabama 35801 • Phone (256) 533-1575 • Fax (256) 533-1744

Birmingham

Atlanta
www.lbyd.com

Huntsville

Proposed Contract Time Extension:

The above additions will cause a delay in the schedule. Therefore, we request a time extension to our original contract due date.

Requested of LBYD by: **Tim Roberts**

If the terms above are acceptable please sign and return a copy of this form.

Accepted By: _____ Date: _____